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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/931,276	08/16/2001	H. Barteld Van Rees	RTN-122PUS	2017

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EXAMINER

GOINS, DAVETTA WOODS

ART UNIT	PAPER NUMBER
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2632

DATE MAILED: 10/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/931,276

Applicant(s)

VAN REES ET AL.

Examiner

Davetta W. Goins

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-16 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/02, 5/02, 6/02.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 5, 8, 9, 13, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier et al. (US Pat. 5,303,205).

In reference to claims 1, 8, Gauthier discloses the claimed side object detection radar transceiver, which is met by ultrasonic transceivers 60 placed alongside of the rear and “side” of the vehicle (col. 6, lines 42-55 and Figure 2). Although ultrasonic transceivers are described, other ranging systems such as radar may be used (col. 10, lines 55-65). Although Gauthier does not specifically disclose that the transceiver is portably attached to the vehicle, he does disclose that the a vehicular distance measurement system comprising one or more ultrasonic transceivers 60, a connection box 80, a mirror display system 40, such that the entire system can be mounted to the vehicle. Each of the items of the system are connected in series or in “daisy chained” by cables 66 (col. 6, lines 16-68; col. 7, lines 1-25, Figure 3). Since Gauthier discloses a system that is to be mounted to the vehicle, including all of the necessary components that separate from the vehicle, it would have been obvious to one of ordinary skill in the art at the time of the invention that the system is to be considered as “portable” such that the system can retrofitted to any vehicle. In re Lindberg, 194 F.2d 732, 93 USPQ 23 (CCPA 1952) (Fact that a claimed device

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is portable or movable is not sufficient by itself to patentably distinguish over an otherwise old device unless there are new or unexpected results.).

In reference to claims 2, 4, 5, 9, 13, Gauthier discloses the claimed radar display coupled to the side object detection radar transceiver, which is met by a mirror display system 40, on the outside side rearview mirror, is connected to the ultrasonic transceivers 60 via cables 66 (col. 6, lines 5-68, Figure 1).

In reference to claim 15, Gauthier discloses the claimed object detection radar transceiver adapted to detect objects in a predetermined detection zone to the side of a vehicle, and not to objects outside of a predetermined detection zone, which is met by the computed distance is determined to be within a display range corresponding to a threshold distance configured by microprocessor 102 to avoid spurious warning indications to the operator (col. 10, lines 1-25).

3. Claims 3 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier in view of Marcus et al. (US Pat. 6,124,647).

In reference to claims 3, 7, although Gauthier does not specifically disclose the claimed radar display is portably attached to the interior of the vehicle, he does disclose a mirror display system 40, on the outside side rearview mirror, is connected to the ultrasonic transceivers 60 via cables 66 (col. 6, lines 5-68, Figure 1). Marcus discloses an information display located in the interior or exterior of the vehicle, the display including a CCD camera for using radar to detect

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rear proximity approaching vehicles (col. 5, lines 29-57). Since both Gauthier and Marcus disclose radar detecting devices mounted in vehicles as well as displays connected to the radar detecting devices, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of a radar display attached to the interior of the vehicle, as disclosed by Marcus, with the system of Gauthier, to maximize both forward and rearward fields of view to the driver and other drivers on the road and provide a display that will be protected by being placed on the inside of the vehicle.

4. Claims 6, 11, 12, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier in view of Schofield et al. (US Pat. 5,786,772).

In reference to claims 6, 11, 12, although Gauthier does not specifically disclose the claimed radar display disposed upon the radar transceiver, he does disclose a mirror display system 40, on the outside side rearview mirror, is connected to the ultrasonic transceivers 60 via cables 66 (col. 6, lines 5-68, Figure 1). Schofield discloses a vehicle blind spot detection display system that includes a radar-based blind spot detection or ultrasonic detection system located in the side rearview mirrors; after detecting an object, a first indicator assembly 28 is illuminated to indicate to the driver that an object has been detected by the detection system (col. 3, lines 1-45; Figure 2). Since both Gauthier and Schofield disclose a display that's attached to the radar sensor, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of placing the display unit with the side radar monitoring detector, as disclosed by Schofield, with the system of Gauthier, to ensure that the other pedestrians/drivers

as well as the driver of the vehicle with the detection system are given an indication of the detected objects by the system.

In reference to claim 14, Gauthier discloses the claimed radar display coupled to the side object detection radar transceiver, which is met by a mirror display system 40, on the outside side rearview mirror, is connected to the ultrasonic transceivers 60 via cables 66 (col. 6, lines 5-68, Figure 1).

In reference to claim 16, Gauthier does not specifically disclose the claimed predetermined detection zone to the side of the vehicle is associated with a vehicle blind spot. Schofield discloses a radar sensor including a blind spot detection system 18 made up of blind spot detector 20 and blind spot detection display system 22 (col. 2, lines 57-67; col. 3, lines 1-45). Since both Gauthier and Schofield disclose a display that's attached to the radar sensor, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of placing blind spot detectors, as disclosed by Schofield, with the system of Gauthier, to ensure that the radar transceiver device is capable of detecting objects that are in a view not easily seen by the driver and provide a warning signal to the driver after the detection has been made.

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gauthier in view of Schofield et al as applied to claim 6 above, and further in view of Marcus et al.

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In reference to claim 10, neither Gauthier nor Schofield disclose the claimed radar transceiver is portably attached to the interior of the vehicle. However, Gauthier discloses a mirror display system 40, on the outside side rearview mirror, is connected to the ultrasonic transceivers 60 via cables 66 (col. 6, lines 5-68, Figure 1). Schofield discloses a vehicle blind spot detection display system that includes a radar-based blind spot detection or ultrasonic detection system located in the side rearview mirrors; after detecting an object, a first indicator assembly 28 is illuminated to indicate to the driver that an object has been detected by the detection system (col. 3, lines 1-45; Figure 2). Marcus discloses an information display located in the interior or exterior of the vehicle, the display including a CCD camera for using radar to detect rear proximity approaching vehicles (col. 5, lines 29-57). Since Gauthier, Schofield and Marcus disclose radar detecting devices mounted in vehicles as well as displays connected to the radar detecting devices, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of a radar display attached to the interior of the vehicle, as disclosed by Marcus, with the systems of Gauthier and Schofield, to maximize both forward and rearward fields of view to the driver and other drivers on the road and provide a display that will be protected by being placed on the inside of the vehicle.

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

8. The prior art of record and not relied upon is considered pertinent to the applicant's disclosure as follows. Daniel (US Pat. 5,844,471) disclosing a vehicle object detector.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davetta W. Goins whose telephone number is 571-272-2957. The examiner can normally be reached on Mon-Fri with every other Fri. off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-7666.

DAVETTA W. GOINS
PRIMARY EXAMINER



D.W.G.

October 18, 2004

Davetta W. Goins
Primary Examiner
Art Unit 2632